



Appeal Decision

Site visit made on 4 January 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH February 2022

Appeal Ref: APP/F3545/D/21/3284960

2 Crook Lodge, Shepard Close, Exning, Newmarket CB8 7PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Sutton against the decision of West Suffolk Council.
 - The application Ref DC/21/1392/HH dated 02/07/2021, was refused by notice dated 27/08/2021.
 - The development proposed is described as domestic extension to house for physically impaired person and boundary fencing
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, the proposed fence was in place. The application made clear that the scheme had been submitted part retrospectively and I have dealt with the appeal on that basis.

Main Issues

3. The main issue in this appeal is the effect of the proposed development on the character and appearance on the area and the host dwelling.

Reasons

4. Shepherd Close is a cul-de-sac set on the edge of Exning, predominantly consisting of large detached dwellings on spacious plots. The appeal site is a detached property on a corner plot adjacent the entrance into the residential estate.
5. Policy DM24 of the Forest Heath and St Edmundsbury Local Plan, Joint Development Management Policies Document (2015) (the Local Plan) requires alterations or extensions to existing dwellings in the countryside to be subordinate in scale and proportion to the original dwelling.
6. The proposed extension would be set back from the original built form following at an angle the curve of the corner plot. I understand that a two storey side extension has previously been approved at the site, whilst the proposed development is larger in footprint given the scale and design I am not persuaded that the proposal before me would be more intrusive to the streetscene than the approved two storey development. Whilst extensive in footprint, and of a different design to other properties in the area, I find that

the single storey design and orientation is such that the development would be subordinate to the host dwelling and would respect the surrounding properties.

7. I understand that the proposed fence line has been relocated closer to the highway. The Council have drawn my attention to a dismissed appeal¹ for a detached dwelling on land enclosed by the new fence. I note that the decision confirmed that the appeal site was unremarkable as an area of grass nevertheless made a positive contribution as open space.
8. Whilst I do not have the substantive details of the dismissed appeal before me, I note that the proposal before me seeks to retain a landscape strip between the highway and the fence, and that the proposed extension sits close to the host property. Whereas the proposed new dwelling the subject of the dismissed appeal was set back on the plot closer to the entrance as a gatehouse style development. I therefore do not consider this comparable to the proposal before me. Nevertheless, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
9. From a photograph provided by the Council of the grassed area before the fence line was moved, I note that it was sparse in terms of planting. I observed during my site visit that the fence in situ followed the curve of the plot and formed an attractive landscaped entrance into the estate. It did not look out of place, nor detracted from the open nature of the area.
10. I therefore find that the proposed development would not harm the character and appearance of the area and the host dwelling.
11. There is no conflict with Policies DM2, DM24 of the Local Plan and Policy CS5 of the Forest Heath Local Development Framework, Core Strategy Development Plan Documents 2001-2026 (with housing projected to 2031) (2010) which seek amongst other things to ensure development respects character, scale and density of the locality.
12. There is also no conflict with the Framework which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Other Matters

13. I understand there is disagreement between parties as to the classification of the land the fence encloses, which is compounded by historic confirmation from the Council that the land was not classified as open space. From the evidence before me the land would indeed be open space, which formed part of the landscaping for the residential estate and would not be residential use associated with the appeal site.
14. Therefore, notwithstanding my findings in terms of the lack of harm to the character and appearance of the area, the proposed development would also encompass a material change of use of land. A change in use of land is beyond the remit of the householder planning application process.

¹ Appeal Ref: APP/H3510/W/16/3165062

15. I am not convinced that parties would not be prejudiced or caused any injustice by me allowing the appeal and permitted by default a change of use of the land without the proper process being followed.

Conclusion

16. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR